

IN THE CIRCUIT COURT FOR
HAMILTON COUNTY, TENNESSEE

KAVITHA GINJUPALLI, D.D.S., *
Plaintiff *
*

No. 16 C 150 *

*
vs. *

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PROVIDENT LIFE AND ACCIDENT *
INSURANCE COMPANY d/b/a UNUM, *
THE UNUM GROUP, *
Defendants *

DR. CHARLES SITOMER, *
Plaintiff *

*
No. 15 C 971 *

*
vs. *

*
THE PAUL REVERE LIFE INSURANCE *
COMPANY; THE UNUM GROUP, *
Defendants *

VIDEOTAPED CONFIDENTIAL DEPOSITION of ANTHONY SCUDERI, a witness called by and on behalf of the Plaintiffs, taken pursuant to the provisions of the Massachusetts Rules of Civil Procedure, before Dawn T. Rabbitt, a Certified Shorthand Reporter and Notary Public in and for the Commonwealth of Massachusetts, at The Beechwood Hotel, 363 Plantation Street, Worcester, Massachusetts 01605, on Tuesday, February 13, 2018, commencing at 1:23 p.m.

1 A P P E A R A N C E S

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1 format to what it would have been, yes.

2 Q. So, we would have the change in status page;
3 correct?

4 A. Yes.

5 Q. And the value in the second to right-hand column?

6 A. Correct.

7 Q. The Social Security Number, claim number, and a
8 claimant's name?

9 A. To the best of my recollection if could have,
10 yes.

11 Q. Did it, and I believe that your testimony in your
12 previous deposition was that it did.

13 A. Looking at this, I can't say that it's exactly
14 this document, but I would presume that it would have
15 that information, yes.

16 Q. If Maureen or Scott was not in the office and
17 their administrative assistant did not bring this
18 document over to you, was there any other way that you
19 as an Assistant Vice President could access the values
20 to populate your spreadsheet?

21 A. Not to my recollection, no.

22 Q. So, you couldn't go onto Omar and pull the value
23 for a specific claimant; correct?

24 A. I could not.

1 Q. And you could not pull this version of the report
2 or a version of the report that had the values for each
3 individual claimant; correct?

4 A. I could not.

5 Q. Could any other Assistant Vice Presidents pull
6 that information, that reserve amount for each specific
7 claimant?

8 A. Not to my recollection, no.

9 Q. Could any directors pull that information from
10 Omar?

11 A. No.

12 Q. A Vice President could pull reserve information
13 for specific claimants?

14 A. I don't how they obtain information. I don't
15 remember how they received it.

16 Q. So, Ms. Griffen or Mr. Scott would have be an
17 able to -- you just don't know where this report came
18 from I guess?

19 A. That's a fair statement, yes, I don't know where
20 it came from.

21 Q. Okay. In your previous deposition you mentioned
22 that you received this or the document that had this
23 information from Ms. Griffen or Scott's administrative
24 assistant, do you remember that?

1 Q. I want to go back and make sure that I'm clear on
2 this. Was there any other way other than getting the
3 information through your Vice President that you could
4 obtain reserve information on specific claimants?

5 MR. WILLIAMS: Object to the form, asked and
6 answered twice.

7 A. I couldn't, no.

8 Q. Do you know the reason for that?

9 A. I don't. I mean, it was just not something that
10 was available to us.

11 Q. And by us you mean that an Assistant Vice
12 President you did not have access to reserve information
13 for specific claimants?

14 A. Correct.

15 Q. Did you tell Maureen about this spreadsheet and
16 tell her what you were doing and ask her if she could
17 give you that information about the reserves for the
18 specific claimants?

19 A. I don't ever recall a discussion of that nature,
20 no.

21 Q. Do you ever remember a time when your supervisor
22 did not provide you the information about reserves in
23 the claims that you were supervising?

24 MR. WILLIAMS: Object to the form.

1 A. I don't recall a specific time, no.

2 Q. And I guess what I'm asking is, from the time

3 that you became an acting Assistant Vice President, were

4 you provided the information about the reserves or the

5 claimants that you were supervising?

6 A. To the best of my recollection, yes, I was.

7 Q. Okay. Did that ever stop while you were at Unum,

8 did they stop providing that information to you?

9 A. In the capacity as an acting AVP or AVP?

10 Q. Correct.

11 A. Not to my recollection, no.

12 Q. And as far as you're aware, the other Assistant

13 Vice Presidents or acting Assistant Vice Presidents were

14 being provided the same information that you were by

15 their Vice President; correct?

16 A. That was my presumption, yes.

17 Q. Did you ever discuss it with the other Assistant

18 Vice Presidents?

19 A. I did not.

20 Q. Was there a specific procedure that Maureen was

21 following, that Ms. Griffen was following, in providing

22 you the reserve information of the specific claimants?

23 MR. WILLIAMS: Object to the form.

24 A. I don't recall a specific format that she

1 utilized, no.

2 Q. Did she ever tell you the reason why she was
3 giving you the information?

4 A. She didn't give me a specific reason, no.

5 Q. You said that the claimants that were listed in
6 your spreadsheet were placed there based on them showing
7 up in the change in status report; right?

8 A. I think that's what I said, yes.

9 Q. Did you ever manually insert somebody additional
10 that wasn't in the change of status report into your
11 spreadsheet?

12 A. I'm sure that I did, yes.

13 Q. And that may have been someone that you mentioned
14 as an ad-on, that type of person would show up as an
15 additional?

16 A. Are you done, I'm sorry?

17 Q. Yes.

18 A. Yes.

19 Q. Where would you get your reserve information for
20 somebody that didn't show up in the change in status
21 report?

22 A. I would probably ask Scott or Maureen.

23 Q. So, it wouldn't have showed up in their report to
24 you either, so you would specifically ask, this claim is

1 closed, what was the reserve information so I can log
2 this?

3 A. That's a fair assessment, yes.

4 Q. Outside of the claim unexpectedly closing, is
5 there any other reason why you would add a claim or a
6 claimant to your spreadsheet that was not in the change
7 of status report?

8 A. Can you repeat the question again, I'm sorry.

9 Q. Sure. Outside of the claim unexpectedly
10 terminating as an add-on, was there any other reason
11 that you would manually enter a claimant's information
12 in your spreadsheet if it wasn't in the change in status
13 report?

14 A. I can't think of a specific reason why I would.

15 Q. Was there any way that you as an Assistant Vice
16 Present for Unum were able to access the plan numbers
17 yourself?

18 A. No.

19 Q. That information would again just be available by
20 asking your Vice President or supervisor?

21 A. That's correct.

22 Q. And so the plan account numbers, those would only
23 be available by going to your Vice President?

24 A. That's correct.

1 Q. And the plan financial numbers were also only
2 available through your Vice President?

3 A. That's correct.

4 Q. Is there any document, training presentation or
5 manual that explains why you did not have direct access
6 as an Assistant Vice Present to specific reserve
7 information for claimants?

8 A. Not to my recollection.

9 Q. Were you ever told why you did not have direct
10 access and you had to go get it directly from your Vice
11 President?

12 A. I don't think that I was ever told a specific
13 reason, no, if it was not information that was available
14 to me.

15 Q. Did you ever ask?

16 A. Nope.

17 Q. You didn't ask any of your other Assistant Vice
18 Presidents why we can't get this information ourselves?

19 A. No, I don't ever remember having that discussion
20 with an AVP, no.

21 Q. And you didn't have that discussion with Maureen
22 or Scott your Vice Presidents either?

23 A. Nope, I assumed it was just the way it was.

24 Q. Okay. When you were a director of claims back

1 A. I don't know if they had a change in status. The
2 change in status report was a report on Omar, it wasn't
3 something that they created.

4 Q. But you described it as something that they would
5 obtain for themselves on a month basis, is that not a
6 fair description?

7 A. They could, it was available to them.

8 Q. And you told me that you had provided the reserve
9 information from the information that you received from
10 your Vice President, where would they put that reserve
11 information?

12 A. I don't know where they would put it.

13 Q. Did you provide it to them on the same sheets of
14 paper that you received from your Vice President?

15 A. I did not.

16 Q. Did you sit down with them and they took notes
17 while you ran the numbers off to them?

18 A. I probably provided it verbally to them, what
19 they did with the information, I'm not sure how they
20 captured it.

21 Q. Did you provide it to them verbally over the
22 telephone or were they in your office or with you
23 personally when you provided that information to them?

24 A. Probably face-to-face, I don't think that I ever

1 did it over the phone.

2 Q. And I guess what I'm trying to understand is if
3 my Assistant Vice President, if I was the director and
4 my Assistant Vice President were to provide me with a
5 long list of reserve numbers for claimants, I would
6 forget it immediately, did they have a notepad with them
7 and were jotting the numbers down, did they have a piece
8 of paper and were jotting the numbers, a computer?

9 A. The best of my recollection was probably a pen
10 and paper.

11 Q. So, they would sit down in your office with a pen
12 and paper and write down the information as you gave it
13 to them?

14 A. That would be a fair assessment, yes.

15 Q. And you would do this how frequently?

16 A. I mean, maybe once a month.

17 Q. Okay. And you would give them the financial
18 reserve information for their claimants as well as the
19 plan numbers for the expected recoveries for that month?

20 A. I would.

21 Q. And the expected plan numbers for both financial
22 as well as account?

23 A. I would.

24 Q. Did you give that to them at the same time in the

1 account for how the block of business that I manage was
2 performing.

3 Q. What about the directors, what advantage was
4 there to Unum for the directors to know the financial
5 reserve amounts for each of their claimants?

6 MR. WILLIAMS: Object to the form.

7 A. I don't know once again the advantage to Unum, I
8 would think it was similar to myself that they would
9 want to know how their block of business was performing
10 in relation to historical expectation.

11 Q. What advantage would it be to Unum or director to
12 know the plan recovery amount financially as well as the
13 count for claims that they are supervising?

14 MR. WILLIAMS: Object to the form.

15 A. I think it's similar to what I just said, I think
16 it's ultimately to determine if their block of business
17 is performing in line or consistent with what historical
18 expectations of that block of business that we're
19 expected to perform.

20 Q. Why would if Unum is looking at claims
21 individually based on their merit, a director need to
22 know the value associated with that claim?

23 MR. WILLIAMS: Object to the form.

24 A. I don't really know.

1 A. I never did a time study like assessing where I
2 spent my time, I don't even know where to ballpark that.

3 Q. Okay. Would you say that you spent several hours
4 a day looking at the numbers?

5 A. I wouldn't say several hours, no. I don't know
6 what the number is, but I wouldn't be several hours.

7 Q. What about when you were looking through a claim
8 file you said that that happened a few times a month,
9 how long would that take you when you were looking at a
10 claim file?

11 A. It would depend.

12 Q. And I guess I'm trying to get a sense of what
13 your job duties were in relation to what I'm seeing in
14 these documents, can you describe that for me?

15 A. I probably can't describe it verbatim, but I'm
16 sure that there's a job description that provides that
17 information.

18 Q. And that would be an accurate summation of what
19 you did?

20 A. To the best of my recollection.

21 Q. In each of these examples that we've discussed
22 that involved IME's in the Assistant Vice President
23 report, the claim was included in your projection claims
24 that would close that month, is that fair?

1 A. Potential claims as well as others that they have
2 the opportunity to be recovered that month.
3 Q. Right. So, the claims that had IME's pending
4 were claims that were added towards the projected number
5 that led you to believe that you would meet -- those
6 were projected as closed claims; correct?
7 A. As potentially closed claims.
8 Q. True, okay.
9 MR. ELLIS: James, I think that I'm done.
10 MR. WILLIAMS: Okay.
11 CROSS EXAMINATION
12 BY MR. WILLIAMS:
13 Q. Mr. Scuderi, when you were looking at a claim
14 involving an IME and projecting it as a potentially
15 closed claim, did you know the outcome of the IME before
16 it happened?
17 A. No.
18 Q. And an IME, that's an independent medical
19 examination; correct?
20 A. That's correct.
21 Q. And Unum had a process for signing those out and
22 finding doctors usually in the area of where the
23 claimant resided; correct?
24 A. Yes.

1 C E R T I F I C A T E
2

3 I, DAWN T. RABBITT, a Certified Shorthand
4 Reporter and Notary Public duly commissioned and
5 qualified in and for the Commonwealth of Massachusetts,
6 do hereby certify that there came before me on the 13th
7 day of February, 2018 at 1:23 p.m., the person
8 hereinbefore named, ANTHONY SCUDERI, who provided
9 satisfactory evidence of identification as prescribed by
10 Executive Order 455 (03-13) issued by the Governor of
11 the Commonwealth of Massachusetts, was by me duly sworn
12 to testify to the truth and nothing but the truth of his
13 knowledge touching and concerning the matters in
14 controversy in this cause; that he was thereupon
15 examined upon his oath, and his examination reduced to
16 typewriting under my direction; and that this is a true
17 record of the testimony given by the witness to the best
18 of my ability.

19

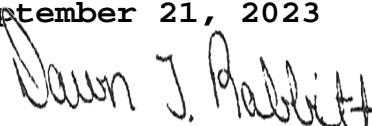
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21 My Commission Expires: September 21, 2023

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Dawn T. Rabbitt, Notary Public